

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT REGARDING MAX
DUTTON'S CLAIMS**

A-8

Max Dutton Deposition Transcript Exhibit 13

Annual Store Manager Performance Evaluation Fiscal Year Ending 2006 ("FYE") for M.
Dutton (4/12/2007)

Performance Evaluation
Store Manager

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Associate Information

Associate Name: Max Dutton Store #: 2000
Social Security Number: Redacted Date of Evaluation: 4/12/2007
Supervisor: Gregg May Review Period: Feb1,06-Jan31,07

Company Beliefs and Values (Daily application and understanding of Wal-Mart's 3 Basic Beliefs are reflected throughout the evaluation.)

Respect for the Individual: Open Door/Grass Roots, People Development, Mentoring, Servant Leadership, Honesty and Integrity
Service to Our Customer: Friendly/Knowledgeable Associates, Satisfaction Guaranteed, 10 Foot Rule, Quality Always, Sense of Urgency and EDLP
Strive For Excellence: Continuous Improvement, Community Involvement, Expense Conscious, Integrity Always, Good Works, and Teamwork

Evaluation Information

*Select one rating for each Performance Standard *All Performance Standards must have a rating selected

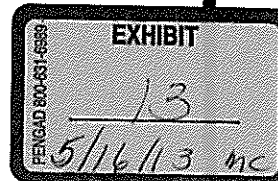
Operations (30%)			Ratings		
Job Responsibilities	Performance Standards	Actual Results	Exceptional Performer	Valued Performer	Below Expectations
Ensures financial goals are met:	Achieves sales objectives	43,442,825 TY vs LY 42,927,407	4.00		
	Achieves profit contribution objectives	7.72 TY vs LY 8.14			2.90
	Achieves total payroll w/maintenance objectives	7.5 TY vs LY 7.98	4.00		
	Achieves total controllable expense objectives	11.93 TY vs LY 11.45		3.00	
	Achieves accident reduction objectives	35 TY vs LY 22		3.70	
	Achieves markdown objectives	4.07 TY vs LY 4.46		3.50	
Protects Company assets by identifying opportunities to prevent shrink	Achieves shrink objectives	0.27 TY vs LY 0.4		3.50	
	Ensures execution of Asset Protection controls			3.50	
Promotes an environment that exceeds the expectations of the Customer	Achieves check-out score objectives	52 TY vs LY 55		3.00	
	Ensures utilization of daily staffing comparison report to ensure staffing levels			3.50	
	Achieves Company objectives for overall Store-Trak score	50 TY vs LY 62		3.00	
	Ensures quality assurance standards are met			3.50	
	Consistently follows 10-Foot Rule		5.00		
	Achieves Company Items Per Hour objective		4.00		
Maintains a safe and clean working and shopping environment	Responds timely and appropriately to customer comments		4.00		
	Ensures risk control standards are met			3.50	
	Promotes and is actively involved with the Risk Control team			3.50	
	Maintains store standards for maintenance and cleanliness		4.00		
Ensures compliance with Company policies and standards	Reacts in a timely and thorough manner to results of the STAR Review		4.00		

Rating for Section: Valued 3.64

Comments: (required for any rating marked "Below")

Must meet profit goals. Increased accidents over last year. Does not utilize the Staffing Comparison by Day Report to control staffing.

Revised August 2005



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Merchandising (30%)			Ratings		
Job Responsibilities	Performance Standards	Actual Results	Exceptional Performer	Valued Performer	Below Expectations
Ensures the availability and effective presentation of merchandise	Consistently conducts store tours, provides quality notes and follows up on execution		5.00		
	Ensures participation in VPI program		5.00		
	Ensures consistent execution of all seasonal merchandise plans/guides		5.00		
	Ensures effective presentation of merchandise		5.00		
	Ensures execution of Connect		5.00		
	Ensures development of monthly SWAS plans		5.00		
	Ensures timely and accurate execution of all modules		5.00		
Ensures items in departments are accurately priced and properly signed	Consistently follows signing and pricing guidelines		4.00		
	Ensures execution of Save on Their Sale		4.00		
	Ensures timely and accurate execution of Clearance Programs		4.00		
Ensures in-stock and appropriate inventory levels in departments	Ensures timely and accurate execution of Rollback Program		5.00		
	Ensures execution of the Back Room Program			3.50	
	Ensures execution of daily pick list			3.50	
	Ensures accuracy of On-hands			3.50	
Consistently reviews and reacts to competitive, demographic and economic trends within the market	Achieves Weeks On-hand objectives	R15 TY vs LY 6.00	4.00		
	Ensures competitive pricing through competition scanning		4.00		
	Consistently reviews and reacts to Competition Review Due/late report		4.00		
	Proactively works to ensure merchandise assortment meets the needs of the community		5.00		
			Rating for Section: Exceptional 4.42		
Comments: (required for any rating marked "Below")					

Revised August 2005

Redacted

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Store Manager

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People (30%)			Ratings		
Job Responsibilities	Performance Standards	Actual Results	Exceptional Performer	Valued Performer	Below Expectations
Supports and encourages Open Door Policy by creating a positive, productive and engaging environment for all Associates	Consistently practices the Open Door Policy		5.00		
	Consistently practices the Sundown Rule		5.00		
	Responds timely to Red Book investigations		5.00		
	Achieves Management Associate turnover objectives	3 TY VALLY 0	5.00		
	Achieves Hourly Associate turnover objectives	4685 TY VALLY 4587	4.00		
As a leader, ensures the development, success and recognition of Associates	Actively recognizes Associates through appropriate recognition programs		5.00		
	Achieves Company objectives on CBL completion	93.12 TY vs Goal 99	3.00		
	Ensures quality and timely performance evaluations		5.00		
	Actively utilizes coaching for both success and improvement		5.00		
	Actively demonstrates Servant Leadership		5.00		
Promotes and supports Great Works programs	Supports and encourages community involvement		5.00		
As a leader, communicates effectively with all Associates	Expresses ideas or gives direction in a clear and concise manner		5.00		
	Demonstrates Company philosophy of CBWA		5.00		
	Effectively communicates with Store and Market management		5.00		
	Ensures consistent execution of daily store meetings for all shifts		5.00		
	Ensures consistent execution of Associate meetings		5.00		
			Rating for Section: Exceptional 4.87		
Comments: (required for any rating marked "Below")					

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Redacted

*Select one rating for each Performance Standard *All Performance Standards must have a rating selected						
Diversity Goals (10%)		Log on to the Diversity Tracker to determine if the Associate is accountable for Diversity Goals. If not, place an "x" in the box to the right		Ratings		
Job Responsibilities	Performance Standards	Actual Results	Exceptional Performer	Valued Performer	Below Expectations	
Placement Goals and/or Good Faith Efforts	Performance standards vary by position. Follow the "Evaluation Instructions" for information on the specific goals for this position	Log on to the Diversity Tracker System for Evaluation rating results	5.00			
Rating for Section: Exceptional					5.00	

Redacted

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Diversity Goals (10%)	Log on to the Diversity Tracker to determine if the Associate is accountable for Diversity Goals. If not, place an "x" in the box to the right		Ratings
Job Responsibilities	Performance Standards	Actual Results	Exceptional Performer Valued Performer Below Expectations
Placement Goals and/or Good Faith Efforts	Performance standards vary by position. Follow the "Evaluation Instructions" for information on the specific goals for this position	Log on to the Diversity Tracker System for Evaluation rating results	5.00
Rating for Section: Exceptional			5.00

Strengths

Excellent follow-up! Great Merchant/ Store Of Community and Community Involvement/ Trainee management / strong sense of urgency / set a professional / Exceeds & developer of talent for the future.

Opportunities

Inventory Flow Process/ Overtime/ Controllable Expense

Overall Performance Rating

Associate's Overall Rating: 4.4

Exceptional Performer
5.0 - 4.0

X Valued Performer
3.9 - 3.0

Below Expectations
2.9 - 1.0

Associate Comments/Goal Setting

It's my Wal-Mart! I'm very proud to be part of our Company and plan to do my part in achieving all goals set for store #2000. Thank you, Max

Signatures

Associate Signature

MAX DUTTON
Print Associate Name

04/12/07
Date

Supervisor Signature

Tim Jackson
Print Supervisor Name

4/12/07
Date

Next Level Supervisor Signature

Print Next Level Supervisor Name

Date